

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS, )  
                    )  
Plaintiff,       ) C.A. No.: 04-1350 (GMS)  
                    )  
v.                )  
                    )  
SYLVIA FOSTER, LANCE SAPERS, )  
DAVE MOFFITT, R. GRAY,       )  
MR. JOHNSON, JOHN JOE,     )  
                    )  
Defendants.      )

**DEFENDANT DR. SYLVIA FOSTER'S RESPONSE TO PLAINTIFF'S  
MOTION FOR DISCLOSURE**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and responds to Plaintiff's Motion for Disclosure, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed the present Motion on January 8, 2007 requesting various information from Co-Defendants, Lance Sapers, Dave Moffitt, R. Gray, Mr. Johnson and "John Doe". Therefore, this request is not directed to Answering Defendant, Dr. Sylvia Foster; however, Answering Defendant feels obligated to respond in light of the numerous prior requests submitted by Plaintiff in this matter.
2. The requests submitted by Plaintiff are merely additional discovery requests for various discovery materials and information. This is in addition to the ever growing previous requests made by Plaintiff for discovery materials and information.
4. Defendant, Dr. Sylvia Foster, continues to assert the arguments presented in the presently outstanding Motion for Protective Order to limit the amount of discovery requests submitted by Plaintiff. Additionally, Dr. Foster contends the repeated requests by Plaintiff in Motion form are inappropriate and do not comport with the strictures of Court rules.

5. As Dr. Foster has indicated previously in response to the numerous Motions filed by the Plaintiff requesting discovery materials, the Court has not ruled on the outstanding Motion for Protective Order. Until a ruling is made on said Motion, Dr. Foster's position is to refrain from responding to yet another discovery request submitted by Plaintiff in this case. In the event the Court rules that responses are necessary from Dr. Foster, then efforts will be undertaken to abide by the ruling of the Court.

Therefore, in light of the arguments submitted above and responses thereto, Defendant, Dr. Sylvia Foster, respectfully requests this Honorable Court to deny the Motion for Disclosure filed by Plaintiff.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire  
Delaware State Bar I.D. No. 2565  
Ronald W. Hartnett, Jr., Esquire  
Delaware State Bar I.D. No. 4497  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: 01-23-2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS, )  
                        )  
Plaintiff,         )      C.A. No.: 04-1350 (GMS)  
                        )  
v.                    )  
                        )  
SYLVIA FOSTER, LANCE SAPERS,     )  
DAVE MOFFITT, R. GRAY,            )  
MR. JOHNSON, JOHN JOE,            )  
                        )  
Defendants.         )

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify on this 23rd day of January, 2007 that a true and correct copy of Defendant Dr. Sylvia Foster's Response to Plaintiff's Motion for Disclosure has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis

SBI#506622

1181 Paddock Road

Delaware Correctional Center

Smyrna, DE 19977

Gregory E. Smith

Deputy Attorney General

820 North French Street, 7<sup>th</sup> Floor

Carvel State Office Building

Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Louis J. Rizzo, Jr.

Louis J. Rizzo, Jr., Esquire

Delaware State Bar I.D. No.

Ronald W. Hartnett, Jr., Esquire

Delaware State Bar I.D. No. 4497

1001 Jefferson Plaza, Suite 202

Wilmington, DE 19801

(302) 652-3611

Attorney for Defendant Dr. Sylvia Foster

Dated: 01-23-2007